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Attorneys for Plaintiff SIRIUS AMERICA INSURANCE COMPANY,  
 as successor in interest to MUTUAL SERVICE CASUALTY  
 INSURANCE COMPANY

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

SIRIUS AMERICA INSURANCE  
 COMPANY, as successor in interest to  
 MUTUAL SERVICE CASUALTY  
 INSURANCE COMPANY,

Plaintiff,

v.

COMAC INVESTMENTS, INC.; DOES 1-10,

Defendant.

Case No. CASE NO. 3:15-CV-03462-SI

STIPULATION AND ~~PROPOSED~~ ORDER FOR  
 ENTRY OF JUDGMENT

Judge: Susan Illston

Complaint Filed: July 28, 2015

**STIPULATED ORDER AND FINAL JUDGMENT**

Plaintiff Sirius America Insurance Company ("Sirius") filed its Complaint for declaratory relief and reimbursement. Pursuant to a settlement agreement and release, Sirius and Comac Investments, Inc. ("Comac") have stipulated to a dismissal of the third and fourth causes of action for reimbursement. (Dkt. #30.) The remaining first and second causes of action are for declaratory relief regarding Sirius' duty to defend and indemnify Comac in the Underlying Action, respectively.

Sirius and Comac stipulate to entry of this Stipulated Final Judgment and Order to resolve the remaining matters in dispute in this action between them.

NOW THEREFORE, Plaintiff and Defendant, having requested the Court to enter this Order, and the Court having considered the Order reached between the parties, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED as follows:

**FINDINGS**

1. The Court has jurisdiction over this matter.

2. The Complaint alleges that Sirius never had a duty to defend or indemnify Comac as a matter of law in the Underlying Action.

3. Defendant admits the facts set forth in Sirius' motion for partial summary judgment, and admits that Sirius never had a duty to defend or indemnify it as a matter of law in the Underlying Action as set forth in Sirius' motion. (Dkt. #23 - #28.)

4. Comac waives all rights to appeal or otherwise challenge or contest the validity of this Order.

**SO ORDERED.**

Dated: 12/1/15



Hon. Susan Illston, District Judge of the  
United States District Court, Northern  
District of California

**SO STIPULATED.**

DATED: November 30, 2015

SELMAN BREITMAN LLP

By: /s/ Mark E. Inbody

MARK E. INBODY

Attorneys for Plaintiff SIRIUS AMERICA  
INSURANCE COMPANY, as successor in  
interest to MUTUAL SERVICE CASUALTY  
INSURANCE COMPANY

1 DATED: November 30, 2015

CRAIGIE, MCCARTHY & CLOW

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4 By: /s/ Peter W. Craigie

PETER W. CRAIGIE

5 Attorney for Defendant COMAC  
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